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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,783	09/29/2004	Robert Kamphuis	915-006.052	7689
4955 7590 02/23/2007 WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP BRADFORD GREEN, BUILDING 5 755 MAIN STREET, P O BOX 224 MONROE, CT 06468			EXAMINER DOAN, KIET M	
			ART UNIT 2617	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		02/23/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/509,783	KAMPHUIS, ROBERT	
	Examiner	Art Unit	
	Kiet Doan	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 November 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some    \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                      |                                                                   |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____                                                          | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

This office action is response to Remarks file on 11/30/2006.

Claims 1, 8-10, 12, 14, 16 are amended.

#### ***Response to Arguments***

1. Applicant's arguments filed 11/30/2006 have been fully considered but they are not persuasive.

In response to applicant's argument that reference teaches short message is delivered to SMSC regardless of whether the subscriber is attainable or not SMSC delivery short message and not teaching as applicant explained in the application, by only delivering message to the mobile terminal devices that are attainable".

Examiner respectfully disagrees, the rejection is base on claim language that "if said mobile terminal device is attainable, said service center delivering said communication to said short message service center for delivering to said mobile terminal device" (C2, L31-37, C4, L25-50 teach the message is delivery when subscriber/mobile device become available/attainable and if not the message is retain in SMSC for later delivery. That is, the reference clearly indicated the message is delivery when subscriber/mobile device available which read on if said mobile terminal device is attainable).

Therefore, Examiner interpreted "if said mobile terminal device is attainable, said service center delivering said communication to said short message service center for delivering to said mobile terminal device" as broadest reasonable interpretation and it is proper.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

**Claims 1-17** are rejected under 35 U.S.C. 102(e) as being anticipated by Lorello et al. (Patent No. 6,459,904).

Consider **claims 1, 8, 10, 12, 14, 16**. Lorello teaches method comprising:

a service center providing a querying to a short message service center in a cellular network for obtaining attainability status of a mobile terminal device in order to determine whether to deliver a communication to said mobile terminal device,

said short message service center responding to the query by evaluating connection related data stored in said short message service center, wherein said connection related data is related to messages pending for delivery to said mobile terminal device, and

if said mobile terminal device is attainable delivering said communication to said short message service center for delivering to said mobile terminal device

(Abstract, C3, L14-32, C4, L1-58, C8, L41-46 and C9, L8-67, C10, L10-36, Fig.1 and Fig.7 illustrate a short message service center communicated with MSC and HLR wherein the HLR evaluating connection or condition or attainability status related data and inform the available of mobile/subscriber to SMSC and finally the delivery short

Art Unit: 2617

message/communication to said mobile terminal device. Further the SMCS include a controller No.126 which read on computer).

Consider **claims 2, 11, 13, 15, 17**. Lorello teaches method according to claim 1, wherein in response to said query to said short message service center, the short message service center queries a home location register of the cellular communication network for an attainability status of said mobile terminal device and wherein said attainability status is obtained by evaluating connection related data stored in said home location register (C3, L14-28, C4, L7-58, Fig.1 Illustrate HLR No.102 wherein data stored in said HLR and determine the an attainability status of said mobile terminal device).

Consider **claims 3-5**. Lorello teaches method according to claim 1, wherein said connection related data are indicative of a connection state of said mobile terminal device (C4, L4-54 teach delivery message to subscriber means as indicative of a connection).

Consider **claim 6**. Lorello teaches method according to claim 1, wherein said query to said short message service center comprise short message delivery to said short message service center, said short message being destined for said mobile terminal device (C3, L59-67, C4, L1-24, Fig.1, Illustrate and described).

Art Unit: 2617

Consider **claim 7**. Lorello teaches software tool for determining attainability status of said mobile terminal device in a cellular communication network having short message service center for subsequently executing a communication with the mobile terminal device in accordance with the attainability status of said mobile terminal device, comprising program code means for carrying out the method of claim 1 wherein said software tool is implemented in a program on the short message service center or a network device (C9, L10-67, C10, L25-36, Fig1 and Fig.7, Illustrate and described).

Consider **claim 9**. Lorello teaches computer program product comprising program code means stored on a computer readable medium for carrying out the method of claims 1, wherein said program product is configured to run on a short message service center, a service center or a network device (C9, L10-35).

### ***Conclusion***

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 2617

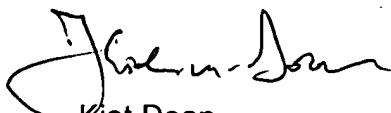
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kiet Doan whose telephone number is 571-272-7863.


The examiner can normally be reached on 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Kiet Doan  
Patent Examiner



JOSEPH FEILD  
SUPERVISORY PATENT EXAMINER